REMARKS

The above-referenced patent application has been reviewed in light of the Final Office Action mailed **June 28, 2006** in which claims 1, 5, 6, 10, 11, 15, 16, 19, 23, 25, 26, 28-34 and 36-38 are rejected under 35 U.S.C. § 102(b) as anticipated by Clark et al. (US Patent 5,187,780 – "Clark"). An after final response and amendment was filed on August 28, 2006. But in an Advisory Action mailed on September 26, 2006 the Examiner did not enter the amendments made in that after final response and maintained rejections to the current claims. In response, Applicants respectfully disagree with the rejections in the Final Office Action and to not entering the amendments as stated in the Advisor Action. However, to expedite an allowance of this application, Applicants file this RCE and include the amendments made in the after final response as a Preliminary Amendment to the RCE.

Current Status of Claims:

With this Preliminary Amendment, claims 1, 5, 6, 10, 11, 15, 16, 19, 23, 25, 26, 28-34 and 36-38 remain pending. Applicants offer to amend claims 1, 5, 6, 10, 11, 16, 19, 32, 33 and 38 as presented above. No new matter has been introduced to this application.

Rejections under 35 U.S.C. § 102(b):

Relevant portions of claim 1, as currently amended, are as follows:

> "An apparatus comprising:
>
> a general input/output communication port *to implement a communication stack including a physical layer, a data link layer and a transaction layer, the transaction layer to include assembling a packet header* for a request transaction packet to one or more logical devices, the packet header including:
>
> a format field to ...; and
>
> a type field to...wherein the *format field and the type field together specify the format for the packet header*."

Emphasis added.

Clark does not describe the above emphasized portions of currently amended claim 1.

First, Clark fails to describe, either explicitly or implicitly, the implementation of a communication stack as emphasized above. Second, the message packet (20) described by Clark does not include a format field. See Col. 4, lines 66 to Col. 5, line 21 and Fig. 2. As a result, Clark includes no description of the format and type fields *together specifying* the format for the packet header as emphasized above for claim 1. Thus, based at least on these two points, the Final Office Action fails to establish a *prima facie* case of anticipation and Applicants request that the 35 U.S.C. § 102(b) rejection of claim 1 be withdrawn.

Independent claims 6, 11 and 19, as currently amended, include similar elements to the above emphasized portions of claim 1. Additionally, claims 5, 10, 15, 16, 23, 25, 26, 28-34 and 36-38 depend from one of independent claims 1, 6, 11 and 19. Thus, Applicants request that the 35 U.S.C. § 102(b) rejections of independent claims 6, 11 and 19 and dependent claims 5, 10, 15, 16, 23, 25, 26, 28-34 and 36-38 be withdrawn.

Conclusion

Applicants respectfully submit that claims 1, 5, 6, 10, 11, 15, 16, 19, 23, 25, 26, 28-34

and 36-38 are in condition for allowance and such action is earnestly solicited. *The Examiner is*

respectfully requested to contact the undersigned by telephone if it is believed that such

contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number

50-0221.

Respectfully submitted,
Harriman et al.

Date: __October 28, 2006__   by: /s/Ted A. Crawford/Reg. No. 50,610/
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